

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

June 24, 1999

**SUBJECT:** Variance V 5-3-99

**APPLICANT:** Emerson Allsworth, Esq., petitioners / BMS of Davie, Inc., owners

**ADDRESS/LOCATION:** 15701 SW 41st Street / within the Pointe West Master Plan

**LAND USE PLAN/ZONING:** Commercial/BP, Business Park

**REQUEST:** From Section 12-242(B) which limits signage for single-occupant buildings to a maximum of 2 square feet of signage per lineal foot of building frontage at the street right-of way or a maximum of 150 square feet of total sign area, whichever is less.

To: Provide three separate signs with a total sign area of 455.2 square feet.

**EXHIBITS TO BE INCLUDED:** Variance application, subject site map, planning report, and aerial.

**ANALYSIS:** The subject site, zoned BP (Business Park), is 5.1 acres in area and contains a 100,102 square foot self-storage facility which is currently under construction. The site is bound by lakes within the master plan to the north and east, warehousing to the west, and vacant land proposed for warehouse use to the south.

The subject site is unique with regard to their spatial relationship to Interstate I-75. The north side of the building is visible only to southbound interstate traffic, while the east side of the building is oriented towards the northbound I-75 traffic. The common area lake parcel, which is approximately 400 feet wide, lies east of the site between Interstate I-75 and the property further reducing the visibility of signage to the north and south. The west side of the building has frontage off SW 41st Street, a cul-de-sac, which serves as access to the site from Weston Road.

The petitioner requests an increase in the allowable sign area from 150 square feet to 455.2 square feet to provide a total of three signs on the north, east and west building facades. The proposed signs have been designed to be proportionate to the building facade in which they will be located, while providing adequate visibility to the abutting rights-of-way.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto

and made part hereof. Comprehensive Plan Policy 1-1 provides that land development regulations shall contain minimum criteria that address soil compatibility, topography, drainage, and storm water management, finished floor area elevations, parks, and open space, on-site parking, **signage**, internal traffic flow and traffic circulation, with said criteria applied at time of development permit approval.

This property is located a substantial distance from the abutting I-75 right-of-way and encompassed by the same BP (Business Park) zoning designation on all sides. The proposed signage has been designed to be proportional to the building facade as outlined in the attached signage detail sheet, and is a substantial distance from any residentially zoned land. The distance of the property to I-75, as well as the typical 65+ traffic speed warrants additional sign square footage.

The current sign code is generalized and does not distinguish between large single-occupant retail uses typically having facades over 300' in length and small retail single-occupant uses typically having facades under 150' in length. The proposed variance is consistent with Section 12-309(B)(1)(a) & (c). There are site specific circumstances that affect this property, and if granted, the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**RECOMMENDATION:** The Planning and Zoning Division recommends **APPROVAL** of the requested variance to allow the placement of three signs, which when combined, exceed the maximum 150 square foot sign area permitted by code, with the following conditions:

1. The sign to be located on the east wall of the building not exceed 199.2 square feet in area.
2. The sign to be located on the north wall of the building not exceed 144 square feet in area.
3. The sign to be located on the west wall of the building not exceed 112 square feet in area.
4. Total sign area not to exceed 455.2 square feet.

**APPLICANT AMENDED THE APPLICATION TO PROVIDE FOR THE CONDITIONS LISTED ABOVE AT THE PLANNING AND ZONING BOARD MEETING OF JUNE 23, 1999.**

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **APPROVAL** (5-0), June 23, 1999, subject to the planning report.

**TOWN OF DAVIE  
CODE OF ORDINANCES  
(EXCERPT)**

Section 12-309. Review for variances.

Whether or not:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXISTING ZONING: BP  
CODE SECTION:

PROPOSED ZONING: N/A  
CODE SECTION:

LAND USE DESIGNATION: COMMERCIAL

FOLIO NUMBER:

PETITIONER:

FEE:

RECEIPT NO:

TOWN OF DAVIE  
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)

Make Checks payable to TOWN OF DAVIE

DATE FILED:

5/5/99

PHONE: (954) 762-3400

PETITIONER: EMERSON ALLSWORTH, ESQ.

MAILING ADDRESS: 1177 SE 3<sup>RD</sup> AVENUE, FORT LAUDERDALE, FL 33316-1197

RELATIONSHIP TO PROPERTY: AGENT

OWNER: BMS OF DAVIE, INC.

MAILING ADDRESS: 5901 SW 74<sup>TH</sup> ST, SUITE 205, SOUTH MIAMI, FL 33143

ADDRESS OF PROPERTY: 15701 SW 41<sup>ST</sup> STREET

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application).

LEGAL DESCRIPTION SHOWN ON SEALED BOUNDARY SURVEY ATTACHED

ACREAGE: 5.2 ACRES

REQUEST: PLEASE SEE ATTACHED

REASON FOR REQUEST (attach additional sheet as necessary): PLEASE SEE ATTACHED

\*\*\*PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN\*\*\*

OFFICE USE ONLY

APPROVED AS TO FORM:

*Jat*

PUBLICATION DATE:

5/26/99  
6/2/99

MEETING DATE: PLANNING & ZONING BOARD:

6/9/99

TOWN COUNCIL:

7/7/99

NOTICES SENT:

REPLIES: FOR:

AGAINST:

UNDELIVERABLE:

BMS OF DAVIE, INC., BY  
VICTOR BROWN  
OWNER'S NAME(S)

OWNER'S SIGNATURE (ALL OWNERS MUST  
SIGN)

5901 SW 74<sup>TH</sup> ST, SUITE 205  
ADDRESS

SOUTH MIAMI, FL 33143  
CITY, STATE, ZIP

(305) 665-8885  
PHONE

The foregoing instrument was acknowledged before me  
This \_\_\_\_ day of \_\_\_\_, 19\_\_, by  
\_\_\_\_ who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

EMERSON ALLSWORTH  
PETITIONER'S NAME

PETITIONER'S SIGNATURE

1177 SE 3<sup>RD</sup> AVENUE  
ADDRESS

FORT LAUDERDALE, FL 33316-1197  
CITY, STATE, ZIP

(954) 762-3400  
PHONE

The foregoing instrument was acknowledged before me  
This 4<sup>th</sup> day of May, 1999, by  
EMERSON ALLSWORTH who is personally  
known to me or who has produced \_\_\_\_\_

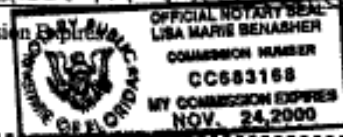
As identification and who did take an oath.

NOTARY PUBLIC:

Sign: Lisa M. BenAsher

Print: Lisa M. BenAsher

My Commission Expires: \_\_\_\_\_



OFFICE USE ONLY

BMS of Davie, Inc. a  
Florida Corporation  
BMS Davie, Ltd, its  
General Partner

1  
VICTOR BROWN *President*  
OWNER'S NAME(S)

*[Signature]*  
OWNER'S SIGNATURE (ALL OWNERS MUST  
SIGN)

5901 SW 74<sup>TH</sup> ST, SUITE 205  
ADDRESS

SOUTH MIAMI, FL 33143  
CITY, STATE, ZIP

(305) 665-8885  
PHONE

The foregoing instrument was acknowledged before me  
This 4 day of May, 1999, by  
VICTOR BROWN who is personally  
known to me or who has produced

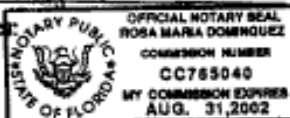
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: *[Signature]*

Print: ROSA DOMINGUEZ

My Commission Expires:



EMERSON ALLSWORTH  
PETITIONER'S NAME

*[Signature]*  
PETITIONER'S SIGNATURE

1177 SE 3<sup>RD</sup> AVENUE  
ADDRESS

FORT LAUDERDALE, FL 33316-1197  
CITY, STATE, ZIP

(954) 762-3400  
PHONE

The foregoing instrument was acknowledged before me  
This 4th day of May, 1999, by  
EMERSON ALLSWORTH who is personally  
known to me or who has produced

As identification and who did take an oath.

NOTARY PUBLIC:

Sign: *[Signature]*

Print: Lisa M. Ben Asher

My Commission Expires:



OFFICE USE ONLY

**SURVEYOR'S NOTES:**

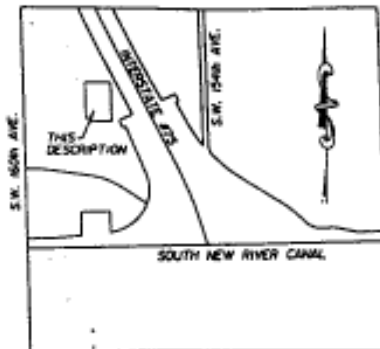
SHEET 1 OF 2

SUBJECT PROPERTY WAS NOT ABSTRACTED BY THIS FIRM FOR EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS OR OTHER MATTERS OF RECORD, AND OWNERSHIP WAS NOT DETERMINED.

EASEMENTS SHOWN HEREON ARE PER PLAT UNLESS OTHERWISE SHOWN.

BURIED FOUNDATIONS AND UNDERGROUND UTILITIES, IF ANY, NOT SHOWN.

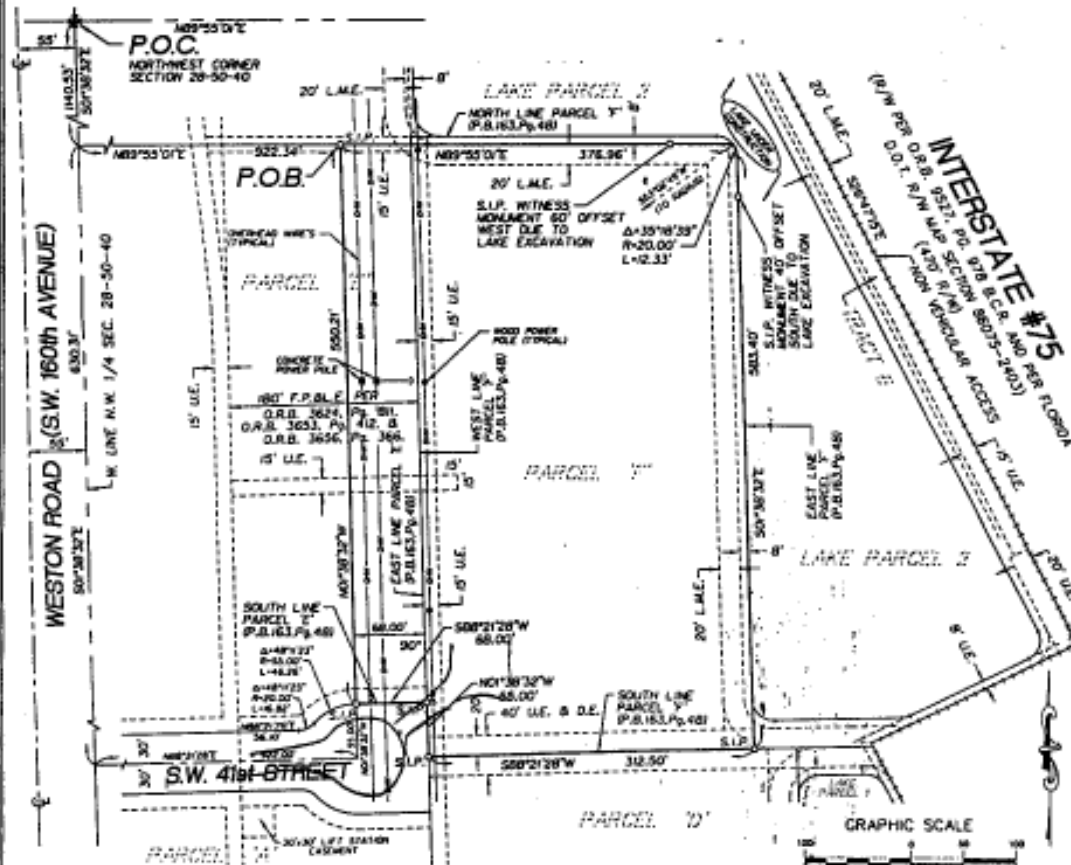
THERE ARE NO VISIBLE ABOVE GROUND ENCROACHMENTS EXCEPT AS NOTED.



LOCATION MAP  
SECTION 28-50-40  
D.F.S.J.

**LEGEND:**

- P.O.C. • POINT OF COMMENCEMENT
- P.O.B. • POINT OF BEGINNING
- U.E. • UTILITY EASEMENT
- D.E. • DRAINAGE EASEMENT
- L.A.E. • LAKE MAINTENANCE EASEMENT
- P.B. • PLAT BOOK
- O.R.B. • OFFICIAL RECORDS BOOK
- F.P.A.E. • FLORIDA POWER & LIGHT EASEMENT
- S.I.P. • SET 1/2" IRON PIPE & CAP L.B.6660



**SKETCH OF BOUNDARY SURVEY**

6/5/98 ADDITIONAL CERTIFICATIONS DATE REVISIONS DRAWN BY: CDC CHECKED BY: JHO		CERTIFIED TO: UNION PLANTERS BANK OF FLORIDA; GREENBERG TRAUBIG, P.A.; BMS OF DAVID, INC.; BMS DAVID, LTD.; ENGLISH MCCABE & O'BRYEN, P.A.; CHICAGO TITLE INSURANCE COMPANY; NAVON KOPELMAN O'DONNELL & ASSOCIATES, P.A. <b>MILLER LEGG</b> ENGINEERS & PLANNERS LAND SURVEYORS ENVIRONMENTAL PROFESSIONALS 1800 N. DRAPER ROAD, SUITE 200 FORT PIERCE, FLORIDA 33904 (888) 438-7000 FAX (888) 431-7958 CERT. OF AUTHORIZATION L.B. 6660	I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPLERS IN CHAPTER 100-1, F.S. FLORIDA ADMINISTRATIVE CODE AUTHORITY IS SECTION 100.02(2), FLORIDA STATUTES. DATED THIS 21st DAY OF MARCH, 1998. <b>WILLIAM M. LYNCH</b> PROFESSIONAL SURVEYOR AND MAPPLER STATE OF FLORIDA REGISTRATION NO. 4088 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RINGED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPLER PROJECT NO. 5588-05.92 DATE 10-16-175
-------------------------------------------------------------------------------------	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## DESCRIPTION :


A PORTION OF PARCEL 'F' AND 'E' OF '10W NORTH', ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 163, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST AS SHOWN ON SAID PLAT; THENCE ALONG THE WEST LINE OF SAID SECTION 28 SOUTH 01°38'32" EAST (PLAT BEARING) 1140.53 FEET TO AN INTERSECTION WITH A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID PARCEL 'F'; THENCE ALONG SAID PARALLEL LINE NORTH 89°55'01" EAST 922.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE NORTH 89°55'01" EAST 376.96 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS SOUTH 53°02'49" WEST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°18'39" AN ARC DISTANCE OF 12.33 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID PARCEL 'F'; THENCE ALONG SAID EAST LINE SOUTH 01°38'32" EAST 583.40 FEET TO THE SOUTH LINE OF SAID PARCEL 'F'; THENCE ALONG SAID SOUTH LINE SOUTH 88°21'28" WEST 312.50 FEET TO THE WEST LINE OF SAID PARCEL 'F' ALSO BEING THE EAST LINE OF SAID PARCEL 'E'; THENCE ALONG SAID WEST LINE NORTH 01°38'32" WEST 55.00 FEET TO THE SOUTH LINE OF SAID PARCEL 'E'; THENCE ALONG SAID SOUTH LINE SOUTH 88°21'28" WEST 68.00 FEET TO A LINE 68.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID PARCEL 'F'; THENCE ALONG SAID PARALLEL LINE NORTH 01°38'32" WEST 550.21 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 224560 SQUARE FEET (5.155 ACRES) MORE OR LESS.

## SURVEYOR'S CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES TO UNION PLANTERS BANK OF FLORIDA; GREENBERG, TRALING, P.A.; BMS OF DAVIE, INC.; BMS DAVIE LTD.; ENGLISH, McCAUGHEN, B. O'BRYAN, P.A.; CHICAGO TITLE INSURANCE COMPANY; AND NAVON, KOPELMAN, O'DONNELL, & LAVIN, P.A., THAT (I) THIS SURVEY (A) WAS MADE ON THE GROUND AS PER THE FIELD NOTES SHOWN THEREON AND CORRECTLY SHOWS THE LEGAL DESCRIPTION, BOUNDARY LINES AND DIMENSIONS AND AREAS OF THE SUBJECT PROPERTY INDICATED THEREON; AND (B) CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER ABOVE GROUND IMPROVEMENTS AND VISIBLE ITEMS ON THE SUBJECT PROPERTY; AND (C) CORRECTLY SHOWS THE LOCATION, DIMENSIONABLE ALLEYS, STREETS, ROADS AND ROAD RIGHTS-OF-WAY AND PLOTTABLE EXCEPTIONS REFERRED TO IN SCHEDULE 'B' SECTION 2 CHICAGO TITLE INSURANCE COMPANY OFFICE FILE NO. 309709267/WJV DATED NOVEMBER 17, 1997 AT 6:00 A.M. AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE LEGAL DESCRIPTION ON SUCH DOCUMENTS (WITH INSTRUMENT, BOOK AND PAGE NUMBER INDICATED); (II) EXCEPT AS SHOWN THEREON, THERE ARE NO VISIBLE (A) EASEMENTS, RIGHTS-OF-WAY, PARTY WALLS OR (B) ENCROACHMENTS ON THE SUBJECT PROPERTY BY BUILDINGS, STRUCTURES OR OTHER ABOVE GROUND IMPROVEMENTS REFERRED TO ON THE SURVEY, EXCEPT AS SHOWN. THE SUBJECT PROPERTY DOES NOT SERVE ANY ADJOINING PROPERTY FOR DRAINAGE OR INGRESS OR EGRESS; (III) THE SUBJECT PROPERTY HAS ACCESS TO AND FROM THE PUBLICLY DEDICATED ROAD RIGHTS-OF-WAY WITHOUT GAP OR HIATUS AND (IV) THE SUBJECT PROPERTY IS LOCATED IN FLOOD PLANE ZONE AH, ELEVATION 6, COMMUNITY PANEL No. 120035 0285 F, PER FIRM DATED 7/21/95.



WILLIAM M. LYNCH  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA REGISTRATION NO. 4068



ENGINEERS • PLANNERS  
LAND SURVEYORS  
ENVIRONMENTAL PROFESSIONALS

1800 N. HIGHLAND ROAD, SUITE 200  
PENSACOLA, FLORIDA 32504  
(904) 438-7000 FAX: (904) 438-7000  
CERT. OF AUTHORIZATION L.S. 6680

SKETCH OF BOUNDARY SURVEY

PROJECT NO.  
5588-05.92

FIG. NO.  
10-1C-175



## VARIANCE REQUEST

This variance request is: FROM Section 12-242(B)(b), which provides for 2 square feet of signage per linear foot of building frontage at the street right-of-way up to a maximum of 150 square feet of total sign area; TO allow for three signs that will be visible to surrounding rights of way totaling a maximum of 455.2 square feet.

### JUSTIFICATION FOR REQUEST

The subject site is a 5.2 acre parcel that is currently being developed with a 100,102 square foot Budget Mini-Storage self storage facility. The site lies within the 81 acre Pointe West business park, which is immediately west of Interstate 75, north of Griffin Road. The applicant is requesting this variance to allow for the placement of three signs that total 455.2 square feet. One sign that is 144 square feet in area is proposed on the north face of the building, which is 251.5 feet in length. A second sign that is 199.2 square feet in area is proposed for the east side of the building, which is 540.2 feet in length. The third sign will be 112 square feet in area and placed on the west side of the building, which is 100 feet in length.

The subject site and site plan approved buildings are unique with regard to their spatial relationship to Interstate 75. The north side of the building is visible only to southbound interstate traffic, while the east side of the building faces northbound traffic. The west side of the building is not visible from I-75 at all, but fronts on SW 41<sup>st</sup> Street, which is the location of the entrance to the facility. Because there is a lake parcel that separates the subject site from I-75, southbound traffic is approximately 400 feet away from the north side of the building, while northbound traffic is approximately 500 feet from the east side of the building. Signage is needed on three sides of the building for adequate identification. The Code required maximum of a total of 150 square feet, however, would make the signs unreadable. The proposed signs are within a desirable scale and proportion to the building facades on which they would be placed and are designed to be minimally visible from the aforesaid roadways.

Consideration of a variance request should be made under the three criteria contained in Section 12.309 of the Code. These are discussed below.

Criterion (a): Whether there are special circumstances applying to the land or building and whether strict application of the Code would create a hardship that is not self-created.

As noted above, the subject site and self-storage facility are unique with regard to their relationship to Interstate 75. A strict application of the Code would not allow for adequate, readable signage at this location. All businesses of this type are entitled to adequate signage that is reasonably visible to the public. A strict application of the Code would deny the owner the necessity of signage thereby creating a hardship. Such hardship would result from the property location in relationship to the interstate and, therefore, is not self-created. This variance application meets this criterion.

Criterion (b): Whether the granting of the variance is necessary for a reasonable use of the land or building and is the minimum necessary.

The granting of this variance is necessary for a reasonable use of the land and building by providing for adequate readable signage for the business. The three proposed signs are of differing size to address the distance from which the public will be viewing them. The 199.2 square foot sign proposed for the east side of the structure addresses the fact that the public will be 500 feet or more away from the sign in the northbound lanes of I-75. The 144 square foot sign proposed on the north side of the building address the fact that southbound traffic will be 400 feet away. The sign proposed for the west side of the structure is only 112 square feet and identifies the facility to the public on the entrance street. The proposed size of the signs is in scale to the building facades, and is the minimum necessary to provide visibility, given the distance from which they will be read. This variance request meets this criterion.

Criterion (c): Whether the granting of the variance will be in harmony with the intent and purpose of the code and will not be injurious to the neighborhood or detrimental to the public welfare.

The intent and purpose of the Code is to provide businesses with signage that is visible to the public. The maximum of 150 square feet may be adequate for businesses along local serving streets, but does not address businesses set back this far along the interstate. The subject variance request is in harmony with the purpose and intent of the Code, as it will allow visible signage for this facility that is located on Interstate 75. An increase in the total area of all signs combined will have no affect on the neighborhood nor will it be detrimental to the public welfare. In fact, the granting of this request will benefit the public by identifying and locating the business and its use. This variance request meets this criterion.

A comparison of this variance request to the criteria contained in the Code of Ordinance shows that the subject request is consistent with Code requirements. As a result, this request merits positive consideration.

# PROPOSED SIGNAGE 455.2 S.F.

WEST ELEVATION (BUILDING 2)

EAST ELEVATION (BUILDING 3)

NORTH ELEVATION (BUILDING 3 & 2)

PROPOSED SIGNAGE

**MILLER LEGG**

Engineers • Planners • Surveyors  
Landscape Architects  
Environmental Professionals  
1000 N. Douglas Blvd., Suite 200  
Davie, FL 33317  
(954) 944-1100 Fax: (954) 944-1101  
www.millerlegg.com

**BUDGET MINI-STORAGE**  
DAVIE, FLORIDA  
FOR: BMS MANAGEMENT COMPANY

